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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,862	12/30/2000	Steven C. Dake	042390.P10206	8596

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/751,862	Applicant(s) DAKE, STEVEN C.	
	Examiner Te Y Chen	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A.M.
1/27/3

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 - 26 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation are requested in correcting any errors of which applicants may become aware in the specification.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of Futral et al. (U.S. Patent No. 6,044,415). Although the conflicting claims are not identical, they are not patentably distinct from each other because these two systems claim substantially the same method, apparatus and storage medium program product to perform functions as following: Fast transferring I/O data In a client/server network file distribution environment via a virtual I2O interface of an interconnect system with I/O peripheral devices without the overhead of kernel services by the operating system. Wherein, the interface receives file I/O access request from the client, associating an identifier with the file, and sends the request to an I/O server. The server responds with acknowledgement message, searching for file information in the network and executing the requested I/O operations via a processor.

5. Although the instant application specifically claims transporting file name and identifier instead of a virtual address as claimed by Futral et al. via an interconnect system between client and server. However, It is well known in the art, that the claimed file name and identifier will be mapped into unique numeric virtual address at Internet Protocol (IP) level of a standard network OSI model. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the

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conventional technique by embedding the claimed file name and identification into the file accessing message at the claimed client/server application level communication, because by doing so, a file name and identification are more meaningful than a numeric virtual address to the client/server, and the system will still bind to the network protocol transporting standard.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-2, 4-5, 9, 11-14, 16-23, and 25-26, are rejected under 35 U.S.C. 102(e) as being anticipated by Balabine et al. (U.S. Patent No. 6,442,548).

As to claims 1-2, 4-5, 9, 11-14 and 16-21, Balabine et al. (hereinafter referred as Balabine) discloses a computer system with method, apparatus and storage medium program product to perform the following steps, comprising:

a) a client software [for example, IXFS file system navigation tool, 200, Fig. 2; 302, Fig. 3] to receive a request from a user for a file having a file name, assigns a unique identifier to the file name and send unique identifier and file name to a database server [for example, Informix® Universal Server, col. 1, lines 60-65; 403, Fig. 3; Fig(s) 5A-5C; Fig. 6; col. 5, lines 5-21, 35-44; col. 6, lines 5-33].

b) a database server locates file information using the file name and identifier, and stores corresponding file information [col. 5, lines 55-66; col. 6, lines 47-54];

c) an interconnect system transports the unique identifier and file name between the client and server [IXFS, 300, Fig. 3; col. 5, lines 23-32].

7. As to claim 22, Balabine further discloses that the client comprises an operating system service module [for example, OS Kernel, 702, Fig. 7].

8. As to claim 23, Balabine further discloses that the server comprises an intermediate service module [for example, 707, 708, Fig. 7; 807, 808, Fig. 8].

9. As to claim 25, Balabine further discloses the system having means to perform file management including:

- a) a file system interface [for example, IXFS file system navigation tool, 200, Fig. 2] to receive a request for a file having name and assigned unique identifier [IXFS magic string; col. 10, 8-15] to the file name [e.g., Fig. 5A-5C];

- b) a file system manager to locate file information using the file name and store file information using the unique identifier [for example, IXFS Daemon Module, 708, Fig. 7; 808, Fig. 8; col. 9., lines 15-37];
 - c) a communication system to communicate the unique identifier and file name between the file system interface and file system manager [for example, NFS Front-end Daemon, 804, Fig. 8; col. 9, lines 38-53].
10. As to claim 26, the recited features are inherent of network File System (NFS).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 6-8, 10 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Balabine (U.S. Patent No. 6,442,548), in view of Matsumani et al. (U.S. Patent No. 5,619,690).
12. As to claims 3, 6-8, 10 and 15, Balabine discloses all the features as claimed by applicant, except he did not expressly teach issuing an acknowledgement message from the server to a client after receiving file access request from the client.

13. However, Matsumani et al. discloses a server issuing an acknowledgement message to a client after receiving file access request from the client [105, Fig. 5; col. 3, lines 43-54]. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Balabine and Matsumani, because by applying Matsumani's message notification means in Balabine's file handlers would allow Balabine's system having a two-way communication mechanism between client and server, so as to detect any possible network communication failures and ensure the system integrity.

Claim Rejections - 35 USC § 103 (Continue)

14. Claim 24, is rejected under 35 U.S.C. 103(a) as being unpatentable over Balabine (U.S. Patent No. 6,442,548), in view of Matsumani et al. (U.S. Patent No. 5,619,690) and further in view of Applicant Admitted prior art (AAPA).

15. As to claim 24, Balabine and Matsumani disclose the interconnected system operates in accordance with a peripheral component interconnect system [for example, see Fig. 2], they did not specifically disclosed the interconnect system operates in I2O.

16. However, AAPA specifically discloses I2O is a conventional existing technique [Page 9, lines 16-20 of Applicant's specification]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the

conventional I2O technique at the combined system of Balabine and Matsumani, because by having an existing I2O as a subcomponent in the combined system would enlarge the system services scope.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Griffiths et al. (U.S. Patent No. 6,286,045) disclosed a Information storage and delivery over a computer network using centralized intelligence to monitor and control the data being delivered; Kelley et al. (U.S. Patent No. 6,088,659) disclosed an automated meter reading system having an open distributed architecture that collects, loads, and manages system-wide data collected from energy meters and routes the data automatically.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Te Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Susan Chen
January 27, 2003



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100